

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 04-Apr-05
TO: EXAMINER **VUONG, BACH**
FROM: Jefferson, Henry
PARALEGAL SPECIALIST

APPL. S.N.: 09/991,632
ART UNIT: 2653

RETURN THIS MEMO TO:

Case Drop-Off Location
JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 27-Dec-04

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
- ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶ ¶ 14.26 & 14.26.01).
- ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
- ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶ ¶ 14.26 & 14.26.02).
- ☐ The person who signed the T.D.:
- ☐ is not an attorney “of record” (see ¶ ¶ 14.29 and 14.29.01).
- ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
- ☐ is not recognized as an officer of the assignee (see ¶ ¶ 14.29 & possible 14.29.02).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
- ☐ The T.D. is not signed (see ¶ ¶ 14.26 & 14.26.03).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶ ¶ 14.26, 14.27.02 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified (see ¶ ¶ 14.26, 14.27.02 or 14.26.03).
- ☐ Other:
- ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Log Date:


Ex. Initials: _____ Date: _____

Special Program Database, Version 2.1

(Rev. 5/98)

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Monday, April 04, 2005 10:47:51 AM

Application Number 	Application No. 09/991,632	Applicant(s) SEO ET AL.	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
INTERNAL DOCUMENT – DO NOT MAIL		

U.S. Patent and Trademark Office



Docket No. 1293.1235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jin-gyo SEO et al.

Application No.: 09/991,632

Group Art Unit: 2661

Filed: November 26, 2001

Examiner: Vuong, Bach Q.

For: METHOD AND APPARATUS FOR AUTOMATICALLY CONTROLLING OUTPUT OF LASER DIODE

**TERMINAL DISCLAIMER TO ORVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. 1.321(b))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**INTEREST AND TITLE OF PERSON MAKING THIS
TERMINAL DISCLAIMER**

I, Michael A. Bush, represent that I am the attorney of record for this application and am authorized to sign on behalf of the Assignee.

IDENTITY OF ASSIGNEE

The Assignee is Samsung Electronics Co., Ltd. a corporation organized and existing under the laws of Republic of Korea, and having its office and principal place of business at 416, Maetan-Dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea

RECORD OF ASSIGNMENT IN PTO

The assignment of the above-referenced application was recorded on February 5, 2002 at Reel 012545, Frame 0317.

COMMON OWNERSHIP OF U.S. PATENT NO. 6,731,586

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified below. Assignee further confirms that it remains the owner of U.S. Patent No. 6,731,586, consistent with the indication of the Assignee on the face thereof.

12/28/2004 YPOLITE1 00000073 193935 09991632
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CERTIFICATION OF TITLE

The evidentiary documents have been reviewed and the undersigned certifies that, to the best of said Assignee's knowledge and belief, title of the above-identified application and U.S. Patent No. 6,731,586 is in the said Assignee.

TERMINAL DISCLAIMER

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,731,586, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent No. 6,731,586, the agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the Patent No. 6,731,586 as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R § 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Serial No. 09/991,632
Art Unit 2661

FEE

☒ The requisite disclaimer fee under 37 C.F.R. §1.20(d) of \$110.00 is attached hereto.

STAAS & HALSEY LLP

Dated: 27 Dec 2007

By: Michael A. Bush
Michael A. Bush
Registration No. 48,893